

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KIMBERLY KILPATRICK,

Plaintiff,

ORDER

v.

09-sv-393-bbc

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

On June 30, 2009, I granted plaintiff Kimberly Kilpatrick's request to proceed *in forma pauperis*, construing her *pro se* complaint as an action seeking review of a final decision of the Commissioner of Social Security denying her application for social security disability benefits under 42 U.S.C. § 404(g). After the defendant filed an answer together with the transcript of the administrative proceedings, the court set a briefing schedule and mailed it to plaintiff on August 28, 2009. Plaintiff's brief in support of her claim that she is entitled to receive disability benefits was to be filed by September 28, 2009. It is now October 9 and plaintiff has not yet filed a brief.

Because plaintiff is proceeding *pro se* and may not have understood what she was to file, I will allow her an extension of time until November 9, 2009 to file her brief. In her brief, plaintiff should identify which findings made by the administrative law judge in his December 23, 2008 decision she is challenging. These findings are listed at pages 14-24 of the administrative record. Further, plaintiff should cite to the evidence in the record and

show how it supports her contentions that the administrative law judge erred in denying her disability benefits. If plaintiff fails to submit her brief in support of her claim by November 9, 2009, this action will be dismissed for her failure to prosecute it.

ORDER

IT IS ORDERED that plaintiff may have until November 6, 2009 to submit a brief in support of her claim that she is entitled to receive disability benefits. Plaintiff's failure to submit this brief will result in dismissal of this action for failure to prosecute.

Entered this 9th day of October, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge